IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE
CRIMINAL APPLICATION NO.4240 OF 2004
IN
CRIMINAL APPEAL NO.468 OF 2003

Javed @ Java Ahmed Mohammed
Akbar Bhatta & 3 ors. Applicants

Vs.

The State of Maharashtra Respondent

Mr.S.V.Marwadi for applicants.
Ms.P.H.Kantharia, APP for State.

CORAM: S.S.PARKAR & S.K.SHAH,JJ.

November 01, 2004.

P.C.

1. Heard.

2. Mr.Marwadi appearing for the applicants makes a fervent plea to reduce the amount of bail from Rs.25,000/- to Rs.1000/- after reading out the passages from the judgment of the trial Court and in particular para 21, where for basing the conviction there appears to be no concrete evidence but it is based on the imagination of the learned Judge. The applicants were arrested on the basis of periodicals recovered from their possession in which the challenge made by Osama Bin Laden to Mr.Bush, the President of America has been incorporated. The

applicants are only the readers of that publication which is sold in the open market without any objection from the authorities. He states that such publications are made in every newspapers and magazines which can be found in possession of almost every citizen of this country. He further states that the applicants could not offer bail of Rs.25,000/- though it was granted by the order of this Court dated 24th April 2003 i.e. for a period of more than 1 and 1/2 years. He, therefore, submits that bail may be granted of the minimum amount.

3. After considering the various aspects of the case we are inclined to grant application to reduce the surety amount to the sum of Rs.3000/-.

4. In the result this application is allowed and the applicants are directed to be released on bail in the sum of Rs.3000/- each instead of Rs.25,000/- with one or two sureties to make up the amount on condition that they shall report to the concerned police station twice a week every Wednesday and Saturday between 5 p.m. to 7 p.m. for a period of six months and thereafter once a week every Saturday between 5 p .m. to 7 p.m. until further orders. On

the application of Mr.Marwadi hearing of the appeal is expedited.

(S.S.PARKAR,J.)

(S.K.SHAH,J.)